

Stark County Planning and Zoning Commission Minutes

**July 28, 2016
3:00 pm**

Vice Chairman Jay Elkin called the meeting of the Stark County Planning and Zoning Commission to order. Vice Chairman Elkin, Sue Larsen, Jay Elkin, Duane Grundhauser, Byron Richard, and Klayton Oltmanns were present, and absent were Russ Hoff, Scott Decker, Daneen Dressler, Kurt Froelich, Also present were County Planner Steve Josephson, and Nicole Roberts of the Auditor's office.

Duane Grundhauser moved to approve the minutes from the June 30, 2016 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Vice Chairman Elkin opened the public hearing on a request from Wayne and Nancy Yates. The request is for a Minor Subdivision Plat of the Wandler Yates Minor Subdivision containing approximately 10.02 acres.

Vice Chairman Elkin asked for anyone to speak either for or against the Minor Subdivision Plat of the Wandler Yates Minor Subdivision for Wayne and Nancy Yates. Vice Chairman Elkin closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval for Minor Subdivision Plat of the Wandler Yates Minor Subdivision containing approximately 10.02 acres following staff recommendations for Wayne and Nancy Yates.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed final plat dated April 2016 and received on July 28, 2016 subject to the following conditions:

1. The survey exhibit dated March 15, 2016 shall be recorded on or before the approved plat is recorded; and
2. A copy of the recorded access easement document shall be included with any building permit applicant for Lot 1 and/or Lot 2 of Block 1 of the Wandler Yates Minor Subdivision.

Vice Chairman Elkin opened the public hearing on a request from Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission. The request is for a conditional use permit for a reservoir located in the NE ¼ of Section 4, Township 139, Range 95 containing approximately 5.17 acres.

Vice Chairman Elkin asked for anyone to speak either for or against the conditional use permit for Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission. Vice Chairman Elkin closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval for the conditional use permit for a reservoir located in the NE ¼ of Section 4, Township 139, Range 95 containing approximately 5.17 acres following staff recommendations for Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission.

Byron Richard seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. **The location of the reservoir shall be as generally shown on the drawings received with the application dated June 15, 2016 and received on July 13, 2016;**
 - b. **Prior to construction of the reservoir, the Stark County Road Superintendent shall approve a dust and erosion control and haul route plan submitted by the developer.**
 - c. **The developer shall be responsible for all maintenance and dust control associated with the construction of the reservoir and associated facilities.**
 - d. **All construction equipment shall be removed within 30 days of completion of the project.**
 - e. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - f. **The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
 - g. **Development and operation of the borrow pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. The applicant proposes construction of a reservoir on land adjacent to an existing reservoir and adjacent to agricultural and non-residential uses. As the surrounding area is either undeveloped or is developed with non-residential uses, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Vice Chairman Elkin opened the public hearing on a request from Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission. The request is for a conditional use permit for a reservoir and pump station located in the SW ¼ of Section 29, Township 140, Range 92 containing approximately 1.33 acres.

Vice Chairman Elkin asked for anyone to speak either for or against the conditional use permit for Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission. Vice Chairman Elkin closed the public hearing.

Klayton Oltmanns moved to recommend to the Stark County Board of Commissioners the approval for the conditional use permit for a reservoir and pump station located in the SW ¼ of Section 29, Township 140, Range 92 containing approximately 1.33 acres following staff recommendations for Sindhuja S. Pillai-Grinolds of the North Dakota State Water Commission.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. **The location of the reservoir shall be as generally shown on the drawings received with the application dated June 15, 2016 and received on July 13, 2016;**
 - b. **Prior to construction of the reservoir, the Stark County Road Superintendent shall approve a dust and erosion control and haul route plan submitted by the developer.**
 - c. **The developer shall be responsible for all maintenance and dust control associated with the construction of the reservoir and associated facilities.**
 - d. **All construction equipment shall be removed within 30 days of completion of the project.**
 - e. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - f. **The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
 - g. **Development and operation of the borrow pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. The applicant proposes constructing a reservoir on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Steve Josephson, County Planner discussed the following:

Steve will be attending the western planner conference in Great Falls Montana the second week of august.

Steve will be on vacation and won't be attending the P&Z or the Commissioners meeting in September.

The meeting was adjourned.